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REPORT
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MISHLEEN EARLE

APRIL 9, 1986.—Committed to the Committee of the Whole House and ordered to be printed

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Mr. BRYANT, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 381]

The Committee on the Judiciary, to whom was referred the bill (S. 381), for the relief of Mishleen Earle, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mishleen Earle. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

STATEMENT OF FACTS

The beneficiary is an 18-year-old native and citizen of Lebanon and widow of a United States citizen. Her husband was a Navy Corpsman killed in the Beirut bombing of Marine Headquarters October 23, 1983. They were married October 16, 1983 after a year courtship. The beneficiary entered the United States as a visitor November 6, 1983 to accompany her husband's remains to the United States. She earns $500.00 monthly from Veterans Administration benefits and is in contact with cousins in the United States.

A letter, with attached memorandum, dated April 2, 1985 to the Chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service is set forth below:

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U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, April 2, 1985.

A26-890-525.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (S. 381) for the relief of Mishleen Earle, there is attached a memorandum of information concerning the beneficiary, who is also the beneficiary of H.R. 1429 and was the beneficiary of H.R. 5014, 98th Congress.

The bill would grant the beneficiary permanent residence in the United States as of the date of its enactment, upon payment of the required visa fee. It would also direct that a visa number deduction be made.

The beneficiary, a native of Lebanon, is chargeable to the nonpreference portion of the numerical limitation for immigrants.

Sincerely,

For the Commissioner
MARVIN T. ELY
(For Greg Leo, Director, Congressional and Public Affairs).

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE S. 381

The beneficiary, Mishleen Earle, also known as Micheline Abi Ghanem, a native and citizen of Lebanon, was born on June 18, 1967. She resides in Youngstown, Ohio. The beneficiary completed high school in Lebanon and is now attending a cosmetology school in Youngstown, Ohio. She married Bryan L. Earle in Beirut, Lebanon on October 16, 1983. He was born on September 23, 1962 in Painesville, Ohio. The beneficiary's husband was a corpsman in the United States Navy who was killed in the October 23, 1983 bombing of the Marine Headquarters in Beirut, Lebanon. This Service has no record of any petition filed on the beneficiary's behalf by her late husband. The beneficiary's parents, two brothers, and sister reside in Lebanon. Her eldest brother accompanied her to the United States. He subsequently married a United States citizen, but the marriage did not work out. Deportation proceedings have been commenced against her brother.

The beneficiary's sole source of income is obtained from a $500 monthly Veterans Administration benefit, which will continue unless she remarries. She has savings in the amount of $16,000.

The beneficiary accompanied her husband's body to the United States. He was awarded the purple heart posthumously. On November 6, 1983 she was admitted as a nonimmigrant visitor and received an extension on her visit to November 5, 1984. On February 22, 1985, the beneficiary,

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after briefly visiting Mexico, attempted to reenter the United States and was paroled into the United States indefinitely. Exclusion proceedings have not been commenced against the beneficiary.

Senator Howard M. Metzenbaum submitted the following information in support of his bill:

RELIEF OF MISHLEEN EARLE

Mr. METZENBAUM. Mr. President, today I introduce this private relief legislation to grant Mishleen Earle permanent residency in the United States. There are no administrative or judicial remedies available to Mrs. Earle and no pending court proceedings to change or adjust her status. I believe the compelling facts surrounding Mrs. Earle's case will merit the granting of permanent residency.

Bryan Earle, a U.S. Navy corpsman serving his country in Lebanon, and Mishleen Abi Ghanem, a young Lebanese citizen, were married in Beirut on October 16, 1983. Two days later the newly married couple arrived at the American Embassy in Beirut where Mr. Earle began to file a petition on his new wife's behalf for permanent residency in the United States. The young couple anticipated that Mishleen would travel to the United States and reside safely there until they could be reunited after Mr. Earle's tour of duty in war-torn Lebanon was completed.

Tragically, Mr. Earle was killed 5 days later in the terrorist bombing of the Marine headquarters in Beirut. Mrs. Earle accompanied her husband's body back to the United States for the funeral services in his hometown of Painesville, OH. She wishes to remain in her husband's country, which he served so bravely. However, the Immigration and Naturalization Office has sadly informed Mishleen that her petition for permanent residency died along with her husband. Also, because she has no immediate relatives who are American citizens and because her visitor's visa had expired, she will have to return to Lebanon and its war unless this legislation is enacted.

Mr. Earle was serving the United States as a member of the peacekeeping force in Beirut. He was not there for his own personal reasons; he was in Lebanon because his duty to his country required him to be there. If he had filed the petition for Mishleen at any Immigration and Naturalization Office in the United States, she would have walked out of that office, that day, with a stamp in her passport authorizing her to remain and work in the United States pending a routine investigation. Instead, the Earles became victims of circumstances, circumstance which neither of them chose. They visited the Embassy to complete the necessary forms. Because of the large number of other persons at the Embassy with their own requests, Mr. Earle collected all the necessary papers for permanent residency and returned to the barracks to complete them. He planned to return them to the Embassy in the coming

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days. Before he could return the forms, he was killed in the massacre. When his body was found among the rubble of the explosion, the completed papers rested in his pocket.

Mr. President, I introduce this private relief legislation to grant Mrs. Mishleen Earle permanent residency in the United States so that she may have the opportunity and honor of remaining in Bryan Earle's native country that he served with such dignity. This is how he wanted it.

Mr. Traficant, the author of an identical House bill (H.R. 1429), provided the following statement in support of the legislation.

TESTIMONY OF HON. JAMES A. TRAFICANT, JR., ON BEHALF OF H.R. 1429 FOR THE RELIEF OF MISHLEEN EARLE

Mr. Chairman, I would first like to thank you and the other Members of the House Judiciary Subcommittee on Immigration, Refugees, and International Law for allowing me to appear before the Subcommittee on behalf of the private bill I have introduced, H.R. 1429.

I believe the compelling facts surrounding the case of Mishleen Earle are sound and I am hopeful this Subcommittee will give this matter every consideration.

Mishleen Earle is the widow of Bryan L. Earle, who was killed in the Beirut bombing on October 23, 1983, six days after they were married. Following their marriage, the couple had gone to the U.S. Embassy in Beirut where Bryan Earle had begun to file a petition on his new wife's behalf for permanent residency in the United States. The young couple had anticipated that Mishleen Earle would travel to the U.S. and reside safely there until Bryan's tour of duty was completed in Lebanon. Tragically, Bryan Earle was killed five days later in the terrorist bombing of the Marine barracks in Beirut. He was awarded the Purple Heart posthumously.

Mishleen Earle accompanied Bryan's body back to his hometown of Painesville, Ohio for the funeral. She has remained here on a visitor's visa but because she has no immediate relatives who are American citizens she will likely have to return to Lebanon unless this legislation is enacted.

Bryan and Mishleen Earle became victims of circumstances, circumstances neither one of them could prevent. Bryan Earle was serving the United States as a member of the Peace-Keeping Force in Beirut. He was not there for his own personal reasons, he was there because his duty to his country required it. The Earles' had visited the U.S. Embassy to complete the necessary forms. However, because of the large number of other persons with similar requests, Bryan Earle collected all of the proper forms and returned to the barracks to complete them. When his body was found in the remains of the barracks, the completed papers were in his pocket.

Mr. Chairman, I have introduced this legislation so that Mishleen Earle can remain in her husband's native coun-

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try, a nation which Bryan Earle served with great bravery and made the supreme sacrifice. I believe this is how Bryan Earle would have wanted it.

There are not administrative or judicial remedies available to Mishleen Earle and no pending court action to alter or change her current immigration status. The passage of H.R. 1429 for Mishleen Earle can provide her with some positive relief from this tragic situation.

I would like to again thank the Chairman and other Members of the Subcommittee for allowing me this opportunity. This completes my formal testimony and I would be happy to address any questions Members of the Subcommittee may have.

BUDGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

OVERSIGHT STATEMENT

The Committee exercises general oversight jurisdiction with respect to all immigration and nationality matters but no specific oversight is contemplated in this instance.

COMMITTEE RECOMMENDATION

Upon consideration of all the facts in this case, the Committee is of the opinion that S. 381 should be enacted and accordingly recommends that the bill do pass.

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